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HEARINGS

BEFORE

U. S. Congress,
SUBCOMMITTEE OF HOUSE COMMITTEE
ON APPROPRIATIONS,

CONSISTING OF

MESSRS. CANNON, BAILEY, VAN VOORHIS,
LIVINGSTON, AND PERCE,

IN CHARGE OF

DEFICIENCY APPROPRIATIONS FOR 1900 AND PRIOR YEARS

ON

GENERAL DEFICIENCY BILL.

WASHINGTON:

GOVERNMENT PRINTING OFFICE.

1900.



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GENERAL DEFICIENCY BILL.

FRIDAY, April 6, 1900.

The subcommittee of the Committee on Appropriations, having under consideration the General Deficiency Bill, this day met, Hon. Joseph G. Cannon in the chair.

NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS.

STATEMENT OF MAJ. J. N. BERMINGHAM, GENERAL TREASURER.

The CHAIRMAN. Gentlemen of the committee, I call your attention to document No. 373, being a deficiency appropriation, National Home for Disabled Volunteer Soldiers.

CENTRAL BRANCH.

Major BERMINGHAM. For the Central Branch, for repairs, the board recommends \$5,000. The original appropriation is \$50,000, and we had the same experience as Colonel Steele has just detailed to you, the rise in prices, especially hardware, is applicable there, and we need the \$5,000.

The CHAIRMAN. Then it is the additional price of labor and material which makes \$5,000 more necessary?

Major BERMINGHAM. Yes, sir.

NORTHWESTERN BRANCH.

The CHAIRMAN. Now the Northwestern Branch?

Major BERMINGHAM. We recommend a deficiency appropriation of \$2,500. The original appropriation is \$47,500, and the reason stated there is—

The CHAIRMAN. The same thing?

Major BERMINGHAM. Yes, sir.

The CHAIRMAN. The note says the advance in the price of coal, gas, and water.

Major BERMINGHAM. You know we make a contract for the water with the city and we make a contract for some of our gas. We of course bought coal under contract, but all those things have gone up. Milwaukee raised our rates on water. We draw from the city, and the result is we find this \$2,500 which we ask is absolutely necessary. Now, the next item is an addition to hospital. Congress appropriated \$2,000 for building an addition to the hospital, a dispensary drug room, a building of that kind, a sick-call room. Now we found, it is the same way when we come to advertise for bids, and have got them and

all that kind of thing, the lowest bid we got required at least \$1,500 more. In other words, we want \$3,500 for that.

SOUTHERN BRANCH.

The CHAIRMAN. For the Southern Branch at Hampton you ask for \$500 more there for current expenses?

Major BERMINGHAM. Yes, sir; to meet the necessary expenses of clerk hire, etc.

The CHAIRMAN. And for transportation you want \$500?

Major BERMINGHAM. Yes, sir; the appropriation is insufficient.

WESTERN BRANCH.

The CHAIRMAN. The Western Branch at Leavenworth you had \$50,000, and you want \$5,000 more for household?

Major BERMINGHAM. We want \$10,000 more.

The CHAIRMAN. Why?

Major BERMINGHAM. Coal has gone up. We are paying \$2.60 and something a ton now.

Mr. SEWELL. We have bought coal heretofore at \$1.80 and some cents.

Major BERMINGHAM. Less than that, \$1.60 I think. I know it is 75 cents or \$1 a ton higher in price for coal at Leavenworth than when we made this estimate.

The CHAIRMAN. In other words, as I understand you, instead of \$50,000 for household, which includes coal, you want \$60,000, as it will take \$10,000 more to pay your bills?

Major BERMINGHAM. Yes, sir; to pay our absolute bills.

MARION BRANCH.

The CHAIRMAN. At the Marion Branch for current expenses you want \$1,500 more?

Major BERMINGHAM. The appropriation for current expenses is \$26,000 and it is not enough to pay for the increased clerical force, noncommissioned officers and others, and it is recommended to give us \$2,000 more; in other words make it \$28,000.

The CHAIRMAN. It will require \$2,000 more to pay your bills?

Major BERMINGHAM. Yes, sir.

The CHAIRMAN. Now for hospital?

Major BERMINGHAM. Our hospital is the same way, for the hospital we recommend an increase there now of \$1,975. That is \$1,000 additional.

The CHAIRMAN. Will it take that to pay the bills?

Major BERMINGHAM. To pay our bills. Now, carpenter and paint shop, there is an appropriation recommended of \$250. The original appropriation was \$1,000, and it is recommended that we get \$250 more.

Mr. STEELE. They say \$285 here.

Major BERMINGHAM. They stated originally on what I have here, \$252. Here is the bid, \$1,250, which I suppose they took it from. I believe it would be the safe thing to give us at least \$500, and make it \$1,500.

The CHAIRMAN. That is for construction?

Major BERMINGHAM. An addition. It is a carpenter and paint shop, and goes in what we call a special appropriation.

The CHAIRMAN. In other words, as it is to be constructed, if you could not get it for \$1,250 you could not build?

Major BERMINGHAM. That is it.

Mr. STEELE. We tried to have that built. This memorandum here shows exactly what the lowest bid was, and the last time we advertised we did not get a bid at all, something that never happened before; but I presume they knew what the appropriation was.

The CHAIRMAN. The next is greenhouse, where you submit an estimate of \$500, which, as the note says, is owing to the advance in the cost of material. You can not build it for \$2,500?

Major BERMINGHAM. No, sir; we could not get a bid anywhere near it.

The CHAIRMAN. The next is for nurses' quarters, \$500.

Major BERMINGHAM. Nurses' quarters there is the very same identical reason, the building was to cost \$4,000 and will cost \$4,500.

The CHAIRMAN. And you simply can not build on account of the increase?

Major BERMINGHAM. Yes, sir.

Mr. STEELE. The lowest bid was \$250 above in September.

Major BERMINGHAM. The electric-light building appropriation originally was \$4,000, and now we recommend an addition to that be made, \$5,023.36. In other words, the thing is going to cost nearly double.

The CHAIRMAN. That is \$5,000 more in round numbers.

Major BERMINGHAM. Making it \$9,023.96.

The CHAIRMAN. That was the one you advertised a second time.

Major BERMINGHAM. Yes, sir.

The CHAIRMAN. And that was the lowest?

Major BERMINGHAM. Yes, sir; \$9,026.36.

Mr. STEELE. I think we ought to have \$7,000.

The CHAIRMAN. The next is for surgeons' quarters.

Major BERMINGHAM. The original appropriation was \$6,000, and it is recommended we get \$930.85. In other words, the bids received for these surgeons' quarters, the first bid we received was \$6,565.46 and the last bid we received of \$6,930.85 was the lowest bid we received then.

The CHAIRMAN. And you made this estimate upon the lowest bid?

Major BERMINGHAM. Yes, sir.

The CHAIRMAN. Addition to electric-light plant?

Major BERMINGHAM. The original appropriation for that was \$5,000. Now the lowest bid we received was \$9,631.25.

The CHAIRMAN. Let me ask you, does that make your foundation for the dynamos and everything complete?

Major BERMINGHAM. Yes, sir; including everything.

The CHAIRMAN. So when you expend this money you have got your electric-light plant finished?

Major BERMINGHAM. That is the idea. If you will allow me I will recommend you give us round numbers if you please.

Mr. SEWELL. Say make it \$5,000 additional.

The CHAIRMAN. Instead of \$4,361, I am agreeable if the gentlemen are. In other words, it ought to be finished, and if there is \$300 or

\$400 or \$500 difference, if you had that much to play on it is not too much.

Major BERMINGHAM. Now there is one item which is not in there which should be in the household at the Marion Branch. It follows immediately after current expenses. The original appropriation there is \$20,000, but we found that it is not enough and there is a recommendation here for it—\$800 more.

The CHAIRMAN. Does it require that to pay your bills?

Major BERMINGHAM. Yes, sir.

The CHAIRMAN. Is that all?

Major BERMINGHAM. That is all.

NOTICE TO CONTRACTORS.

NATIONAL MILITARY HOME, GRANT COUNTY, IND.,
Treasurer's Office, September 4, 1899.

Sealed proposals will be received at this office until noon September 21, 1899, for carpenter and paint shop, electric-light building, greenhouse, nurses' quarters, surgeons' quarters, addition to electric-light plant, including boiler, engine, and dynamo, etc.

All material and labor to be furnished by contractor. Plans, specifications, and instructions to bidders, etc., can be examined at the treasurer's office.

The right is reserved to reject any or all proposals or to waive any informalities therein.

Envelopes containing proposals should be indorsed, "Proposals for carpenter and paint shop," etc., as the case may be, and addressed to the undersigned.

Bids must be accompanied by certified check, payable to the undersigned treasurer, for at least 5 per cent of the amount thereof, which check will be forfeited to the National Home for Disabled Volunteer Soldiers in case the successful bidder refuses or fails to enter into contract as required; otherwise to be returned to the bidder.

H. O. HEICHERT, *Treasurer.*

Approved.

JUSTIN H. CHAPMAN, *Governor.*

Statement showing lowest bid on work, as per attached circular, opened September 21, 1899.

	Amount appropriated.	Lowest bid received.	Architect's fees, advertising, etc.	Total amount required.	Deficiency.
Carpenter and paint shop	\$1,000.00	\$1,285.00	\$0.91	\$1,285.91	\$285.91
Electric-light building	4,000.00	8,995.75	228.50	9,224.25	5,224.25
Greenhouse	2,500.00	12,485.00	1,252.25	3,737.25	1,237.25
Nurses' quarters	4,000.00	4,250.00	109.89	4,359.89	359.89
Surgeons' quarters	6,000.00	6,400.00	165.46	6,565.46	565.46
Addition to electric-light plant	5,000.00	8,693.00	7.55	8,700.55	3,700.55
Total deficiency					11,373.31

¹ Does not include heating and shelving.

NOTICE TO CONTRACTORS.

NATIONAL MILITARY HOME, GRANT COUNTY, IND.,
Treasurer's Office, December 12, 1899.

Sealed proposals will be received at this office until noon December 27, 1899, for carpenter and paint shop, electric-light building, greenhouse, nurses' quarters, surgeons' quarters, addition to electric-light plant, including boiler, engine, and dynamo, etc.

All material and labor to be furnished by contractor. Plans, specifications, and instructions to bidders, etc., can be examined at the treasurer's office.

The right is reserved to reject any or all proposals or to waive any informalities therein.

Envelopes containing proposals should be indorsed, "Proposals for carpenters and paint shop," etc., as the case may be, and addressed to the undersigned.

Bids aggregating over \$500,000 must be accompanied by a certified check, payable to the undersigned treasurer, for at least 5 per cent of the amount thereof, which check will be forfeited to the National Home for Disabled Volunteer Soldiers in case the successful bidder refuses or fails to enter into contract as required; otherwise to be returned to the bidder.

H. O. HEICHERT, *Treasurer.*

Approved.

JUSTIN H. CHAPMAN, *Governor.*

Statement showing lowest bid on work, as per attached circular, opened December 27, 1899.

	Amount appropriated.	Lowest bid received.	Architect's fees, advertising, etc.	Total amount required.	Deficiency.
Carpenter and paint shop	\$1,000.00	\$1,250.00	\$2.00	\$1,252.00	\$252.00
Electric-light building	4,000.00	18,425.00	598.36	9,023.36	5,023.36
Greenhouse	2,500.00	No bid.	\$1,254.70	3,754.70	1,254.70
Nurses' quarters	4,000.00	4,372.00	117.15	4,489.15	489.15
Surgeons' quarters	6,000.00	6,752.00	178.85	6,930.85	930.85
Addition to electric-light plant	5,000.00	9,622.00	9.25	9,631.25	4,631.25
Total deficiency					12,581.81

¹ Does not include cost of foundation for boilers, engines, and dynamos.

² \$1,250 of this amount is estimate for heating and shelving.

THURSDAY, *May 10, 1900.*

CONTINGENT EXPENSES.

TREASURY DEPARTMENT.

STATEMENT OF MR. THEODORE F. SWAYZE, CHIEF CLERK OF TREASURY DEPARTMENT.

The CHAIRMAN. You had for file holders this year the ordinary appropriation of \$2,000, and you submit for the purchase of file holders and file cases \$5,000.

Mr. SWAYZE. Yes, sir.

The CHAIRMAN. And then you submit to pay amount found due by the accounting officers of the Treasury on account of the appropriation of contingent expenses, Treasury Department: File holders and cases, for the fiscal year 1900, \$1,997.78. Has that \$1,997.78 been expended—has that deficiency been made?

Mr. SWAYZE. That is the amount that has been expended and passed upon by the accounting officers.

The CHAIRMAN. How could you expend it without an appropriation?

Mr. SWAYZE. I really do not know. There have been calls that have been imperative upon us, and I presume the purchases have been made and referred to the accounting officers for settlement.

The CHAIRMAN. Still, I do not understand how it can be done. It seems to me, no money, no file holders.

Mr. SWAYZE. We sometimes do this in order to keep the business going. We say to a bureau officer, "we have no money and we can not purchase these articles," and the man will say, "I will furnish you with these articles and take my chances; I will furnish them subject

to an appropriation to be made by Congress, and if no appropriation is made I do not get my money."

The CHAIRMAN. I doubt even the power to do that; I am not saying about this particular matter as to how necessary it may have been; of course I do not know, but I should doubt—

Mr. SWAYZE. I doubt the propriety of it myself.

The CHAIRMAN. Here is an appropriation of \$2,000, and your estimate was only \$3,000, and here is an expenditure of \$4,000, twice what the appropriation was, a thousand more than your estimate, and then you come in with another estimate to purchase file holders and file cases, \$5,000 outside of all that.

Mr. SWAYZE. I find this memorandum made up by Mr. Hills before he went away:

Estimate \$6,997.98, of which \$1,997.98 are asked to meet claims covering expenses incurred, which were essentially necessary; \$3,500 of the balance are for the purchase of the index filing cases to be used in the office of the Auditor for the Interior Department, thereby superseding expensive books, which will result in simplifying the work and reducing materially the expenses in connection therewith, including clerical hire. The remaining \$1,500, making the \$5,000, have already been anticipated in part in making purchases which were necessary, and the remainder was absolutely required for the accommodation of the Department until June 30 next."

This \$3,500 makes a complete set of card indexes for the pension division, office of the Auditor for the Interior. The cost of the books, as estimated by the Government Printer, is eight thousand and some hundred dollars. Those books last ten years. These cases of card indexes, which cost \$3,500, will last twenty years, and that is \$3,500 as against about \$17,000.

Mr. VAN VOORHIS. How long has this card index been in use?

Mr. SWAYZE. We are just putting it in use for the pension division. They have been using these very large books, and the record which we make on the books is made now on the individual card. Now you go to the box and take out the card instead of using these immense books.

The CHAIRMAN. That is all you know about it, is it?

Mr. SWAYZE. Yes, sir.

The CHAIRMAN. The next item is for the purchase of boxes, book rests, chairs, chair caning, chair covers, etc.—

Mr. SWAYZE. That is the miscellaneous item, the last clause of the contingent expense, and covers a whole number of things.

The CHAIRMAN. You had \$7,000, and this is the only deficiency, I believe?

Mr. SWAYZE. This amount will be required to meet obligations already contracted for and articles which must be purchased.

The CHAIRMAN. Who has charge of this? I understand you have general charge?

Mr. SWAYZE. Mr. Hills has general charge. These things are all covered by requisitions, taking that which has not been expended which we are holding up awaiting appropriation.

The CHAIRMAN. That is \$8,500 this year as against \$10,000 last year? The next is to pay amounts found due by the accounting officers of the Treasury on account of the appropriation, "Contingent expenses, Treasury Department: Furniture," etc., for the fiscal year 1900, \$937.75. That is that much more?

Mr. SWAYZE. Which item is that, Mr. Cannon?

The CHAIRMAN. To pay amounts found due by the accounting officers of the Treasury; that is the same thing?

Mr. SWAYZE. That is the same thing.

The CHAIRMAN. How was that expended; do you know for what item?

Mr. SWAYZE. No; I did not look these items up, but I can tell you generally they are for desks and file cases. The force you know has been largely increased—the temporary force that has been provided.

The CHAIRMAN. This is one of those loose contracts; no appropriations, no pay?

Mr. SWAYZE. Contingent expenses Treasury Department: Furniture, etc., 1900, estimate \$2,437.75, of which \$937.75 constitutes claims covering items which were actually necessary for the transaction of business. The remainder of the estimate will be required to meet demands which have already been made upon the office, and to be made between this period and June 30 next. As I say, we are holding up a good many requisitions which we deem absolutely necessary to be furnished, and that is what we base this estimate upon.

The CHAIRMAN. For washing and hemming towels, etc., you submit an estimate of \$500.

Mr. SWAYZE. That is that omnibus clause which includes other and absolutely necessary articles.

The CHAIRMAN. The next item is for the purchase of registering accountants, numbering machines, and other machines of a similar character, and repairs thereto, \$1,000. Your estimate was \$2,000 and you had \$2,000. What is the condition of that?

Mr. SWAYZE. The estimate is \$1,022.20, of which \$22.20 covers settled claims for repairs of numbering machines, and \$1,000 are to cover machines now in use of the office of the Auditor for the Treasury Department, on trial; and as they have proven entirely satisfactory the Auditor is very anxious that they should be purchased by the Department.

The CHAIRMAN. You can purchase them out of your next year's appropriation.

Mr. SWAYZE. Yes. Now there is one item, contingent expenses of Treasury, for newspapers, etc., 1900, an estimate of \$151.35—

The CHAIRMAN. Where is that?

Mr. SWAYZE. That is commencement of contingent expenses; \$51.35 of that covers claims settled for articles delivered, which were imperative to the proper transaction of the business of the Department. There are unsettled expenditures which will require nearly if not quite all of the remaining \$100.

FURNITURE FOR PUBLIC BUILDINGS.

The CHAIRMAN. For furniture and repairs of same for public buildings, \$25,000; you had \$225,500, which was your estimate. How does this deficiency happen? Why is the additional appropriation necessary?

Mr. SWAYZE. Well, we made an estimate on the public buildings that the architect reported would be completed and furnished this year—

The CHAIRMAN. Yes; and we gave you that.

Mr. SWAYZE. And we have made contracts for St. Paul, Kansas City, and Norfolk, which we did not include, and, of course, that exhausted the appropriations; it takes out \$25,000 that we did not estimate for, and to get through we will need that much more.

The CHAIRMAN. When is this furniture to be delivered?

Mr. SWAYZE. That furniture is in course of manufacture and I think some of it is ready to be delivered now, and I think some has been paid for.

The CHAIRMAN. You can pay it out of the next year's appropriation?

Mr. SWAYZE. I do not think the accounting officers would allow us to pay for that any more than any other we contract for. We can not get through with this year; we are holding up now. Mr. Hills has got now a great box full there which he put aside and which ordinarily would be allowed if not taken up by these extra buildings.

The CHAIRMAN. Is that all you have?

Mr. SWAYZE. That is all.

The CHAIRMAN. There is another item on page 20, under the head of reimbursement of W. S. Cox. It is for the reimbursement of W. S. Cox for the installation of the National Pneumatic Water-work System in house No. 1709 New York avenue, Washington, D. C., \$427. That is a rented building?

Mr. SWAYZE. Yes, sir. We broke down there and that has not been paid. We told Mr. Cox if he would put in that machine in connection with the photograph gallery we would submit the matter to Congress for an appropriation.

The CHAIRMAN. Precisely; but after all he has to put the building in repair.

Mr. SWAYZE. That is hardly a part of the building. We had to have that extra for the architect's office to get the water to make their prints.

Mr. LIVINGSTON. Will this be a permanent advantage to the owner of the house when we are done with it?

Mr. SWAYZE. No; it would be of no advantage of itself. It is for the benefit of the architect's office entirely.

The CHAIRMAN. Was it not covered in the original contract?

Mr. SWAYZE. No, sir.

The CHAIRMAN. Then this is a case where you rented a building for the year for a specific sum, and you wanted something which you did not rent or contract for, and he put it in at your request, and you said you would submit it to Congress?

Mr. SWAYZE. We had no money with which we could pay for it.

The CHAIRMAN. You could not pay it from the contingent fund?

Mr. SWAYZE. No, sir.

COLLECTING REVENUE FROM CUSTOMS.

STATEMENT OF SECRETARY O. L. SPAULDING, ASSISTANT SECRETARY OF THE TREASURY.

The CHAIRMAN. Go to the item for collecting the revenues from customs, where you estimate \$100,000. The permanent appropriation is what?

Secretary SPAULDING. Five and a half million dollars.

The CHAIRMAN. You have already had a deficiency; you had \$1,200,000, making \$6,700,000, and now you come and want another \$100,000.

Secretary SPAULDING. That is the way it is here, but we really want \$200,000.

The CHAIRMAN. That seems to be \$100,000 increase over last year?

Secretary SPAULDING. I have a memorandum here prepared by Mr. MacLennan, of the warrant division, which I will leave with the committee.

Expenses of collecting revenue from customs for fiscal year ending June 30, 1900.

Debits:

Expenditures to May 1, 1900	\$6, 329, 592
Estimated expenditures for May and June, 1900.....	1, 153, 232

Total estimated expenditures to June 30, 1900.....	7, 482, 824
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Credits:

Regular appropriation—permanent annual	\$5, 500, 000
Deficiency appropriation already made.....	1, 200, 000
Repayments by disbursing officers.....	7, 629
Receipts for three quarters ending March 31, 1900	485, 863
Estimated receipts for quarter ending June 30, 1900.....	176, 263

Total credits to June 30, 1900 (estimated)	7, 369, 755
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Deficiency	113, 069
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Mr. VAN VOORHIS. What does it set forth there?

Secretary SPAULDING. It sets forth that the deficiency as he estimates it now, is \$113,069, and he says last year we had to pay \$100,000 more than was appropriated. That is, bills came in after the 1st of July, for expenditures which were not contemplated, and it took \$100,000 more, and his estimate is it will take at least \$200,000 to pay what he has estimated for here and the probable bills which will come in after the 1st of July, and which we do not know anything about. I take the estimate of Mr. MacLennan, who is a pretty conservative and safe man, and he says we will need \$200,000 undoubtedly to pay what is in sight now and the future bills which will come in.

Mr. LIVINGSTON. Do you mean to say that you want to increase this estimate?

Secretary SPAULDING. Yes, sir; the estimate is now \$100,000 and we want to increase it \$100,000 more.

Mr. BARNEY. That includes the salaries of collectors and deputies and all the force connected with the collection of the revenues?

Secretary SPAULDING. This is all the expenses in connection with the collection of the revenues. There are a very large number of various kinds of expenditures aside from the salaries constantly coming in, and he says last year \$100,000 came in after the 1st of July and undoubtedly there will be that this year.

Mr. BARNEY. Those are the actual expenses which have been expended under the revenue law?

Secretary SPAULDING. Yes, sir; in the collection of customs. Of course these bills come in after the 1st of July in various sums, and it is not right to ask these people to wait until next winter for a deficiency to make it up. They are current bills and ought to be paid as they come in. It is only fair to the people and it is on that account that he asks that it be made \$200,000.

Mr. BARNEY. This seems to be an increase of something like \$200,000 over anything we have had before; is there any particular reason for that?

Secretary SPAULDING. No; but there is a hundred thousand dollars of that I suppose we had to make up, \$100,000 went for last year's

bills. This is the deficiency we had before and a hundred thousand dollars went for last year's bills.

Mr. BARNEY. So the deficiency appropriation for last year was not sufficient?

Secretary SPAULDING. No; it was not sufficient.

Mr. LIVINGSTON. If the increase of \$100,000 is not given you will have the same thing occur next year?

Secretary SPAULDING. Yes, sir.

Mr. LIVINGSTON. That is you will be paying old bills out of the next appropriation?

Secretary SPAULDING. Yes; and we will not have it available until next winter and in the meantime these peoples' bills will be held up.

There is just one more thing I want to speak about and that is the one I spoke about the other day of \$20,000 for the Chinese.

The CHAIRMAN. I think we have got that marked in. That is submitted in the shape of an estimate?

Secretary SPAULDING. Yes, sir; and we need that very much.

The CHAIRMAN. This is a class of appropriation that we can not afford to quarrel with you about.

Secretary SPAULDING. We have got fifty or sixty deportations to be made now.

The CHAIRMAN. The deportation I understand includes now the fare to send them back?

Secretary SPAULDING. Yes; and we are in a condition now where a lot of Chinese are going to be discharged by the courts if they are held much longer. I tried to hold them, so as to try to carry some into next year to be deported; but of course you have to put them in jail and keep them under restraint, and the courts are going to release them if we do not do something.

DEPARTMENT OF JUSTICE.

MISCELLANEOUS ITEMS.

STATEMENTS OF MR. GLOVER, ACTING CHIEF OF DIVISION OF ACCOUNTS, AND MR. KENNARD, DEPARTMENT OF JUSTICE.

The CHAIRMAN. On page 63 of the galley there appears an item of \$10,000 for the payment for legal services in circuit courts of appeal.

Mr. GLOVER. Now, there are a few claims over for services by district attorneys other than the southern district of New York, services prior to May 28, 1896, or rather July, 1896.

The CHAIRMAN. Let us get this first; this is for the current year, the first item there, is it not?

Mr. GLOVER. I suppose this is to include these services of Mr. Burnett.

The CHAIRMAN. No; Burnett comes afterwards.

Mr. KENNARD. This includes Mr. Burnett's services; the appropriation is without fiscal year.

Mr. LIVINGSTON. The next item is to pay Burnett.

Mr. GLOVER. That is a duplication, as I understand it. You see there was a letter written by the Department to this committee about Mr. Burnett's claim. He has a bill in here amounting to \$4,025. Now, in connection with that claim, a letter was written suggesting that

probably his office should be put upon the same basis as the offices of other district attorneys—that is, for services rendered in the circuit court of appeals he should receive only the salary of his office.

Now, I will say in this connection that since that time Mr. Burnett has seen the Attorney-General and the Attorney-General is disposed to recede from his recommendation in that letter and to have the appropriation made. Each year, in 1899 and perhaps in previous fiscal years, this district attorney and his predecessor rendered services of this kind and was paid out of the appropriation of \$10,000 that was made to pay for services not only in that district but in other districts under the old law. That appropriation is used up—

The CHAIRMAN. Under the law as it is now are not these district attorneys bound to attend to all the business in their districts?

Mr. GLOVER. Except the southern district of New York. That district was excepted from the operation of the act of May 28, 1896, so the district attorney, as a matter of law, is entitled to compensation for services in the circuit court of appeals under the decision of the Supreme Court in the Winston case and the Carter case.

The CHAIRMAN. And everywhere else they do that under their salary?

Mr. GLOVER. Yes; they get a salary.

The CHAIRMAN. Then you withdraw this first item?

Mr. GLOVER. No, sir; that is not the idea. He recommends this be made. He withdraws the recommendation that the salary shall be the only compensation for these services in the circuit court of appeals.

The CHAIRMAN. What is the law; is not the law that way? What do I care about his recommendation if the law is that way?

Mr. GLOVER. I explained that is not so as to the southern district of New York.

The CHAIRMAN. Let me read this item. Now, that is an appropriation outside of the law, as I understand it?

Mr. GLOVER. It would be an appropriation outside of the law except for services rendered by the district attorney for the southern district of New York except again such services were rendered before the act of May 28, 1896, went into effect. There have been a few of those claims every year.

The CHAIRMAN. This would not be available for that, would it?

Mr. GLOVER. This is an appropriation without year.

Mr. KENNARD. The other one was without year.

The CHAIRMAN. How many of these claims are there; are they audited?

Mr. GLOVER. The audited claims do not amount to more than a few hundred dollars.

The CHAIRMAN. Can you tell us how much, so we can put it in specifically?

Mr. KENNARD. Yes, sir: we have a balance of the appropriation of \$20,000 made for that purpose of \$49.29. We have an unsettled claim of Nebraska of \$200, and we will need the difference between \$49.29 and \$200, but unless there is a provision of law made requiring the district attorney of the southern district of New York to perform these services we will have to pay him.

The CHAIRMAN. I have not reached New York yet. I want to see how much it will be. You have now \$150.11 instead of \$10,000?

Mr. KENNARD. Yes, sir; it must be more than \$150.11, it is \$150.71.

The CHAIRMAN. That clears the docket of everything except New York?

Mr. KENNARD. That is right.

The CHAIRMAN. What do you owe in New York?

Mr. KENNARD. So far the accounts rendered amount to this second item of \$4,025; they are coming in right along every quarter.

Mr. GLOVER. This \$4,025 was earned prior to January 1 last, in the first half of the present fiscal year.

The CHAIRMAN. The \$4,000 was what?

Mr. GLOVER. The \$4,025 was earned; that is, he rendered a bill in the sum of \$4,025. Now, that is, of course, subject to the approval by the Attorney-General: Under that Winston decision the Attorney-General can fix the compensation. So far as that decision is concerned, that is a special employment, and he does not do it as district attorney.

The CHAIRMAN. What language would change this law?

Mr. LIVINGSTON. *Provided*, That in the future no sum shall be paid to the district attorney for the southern district of New York for any services outside of his office.

The CHAIRMAN. Will you make a memorandum and send us a clause containing proper reference to the legislation that will amend this law so as to make the southern district conform to all the rest of the districts in the United States?

Mr. GLOVER. Well, the Attorney-General, as I stated, in the letter of January 31—

The CHAIRMAN. Possibly I have that letter right here.

DEPARTMENT OF JUSTICE,
Washington, D. C., January 31, 1900.

HON. JOSEPH G. CANNON,

Chairman Committee on Appropriations, House of Representatives.

SIR: Henry L. Burnett, United States district attorney for the southern district of New York, has submitted to this Department an account for legal services rendered in the circuit court of appeals during the quarter ended December 31, 1899, claiming compensation in the sum of \$4,025. Similar accounts were submitted by him for services during the quarters ended December 31, 1898, and March 31, 1899, aggregating \$4,025, which were settled by payment from the appropriation of \$20,000 provided under the deficiency act of March 3, 1899, for the purpose of settling claims for similar services performed by the various United States district attorneys prior to the passage of the act of May 28, 1896.

As the appropriation above mentioned, which did not contemplate payment for services rendered subsequent to the passage of the act of May 28, 1896, is now practically exhausted, there is no fund available for the payment of the claim now before the Department, and the matter is therefore submitted for such action as may be deemed proper.

In this connection it is recommended that the portion of section 6 of the act of May 28, 1896, providing that the salaries paid to United States district attorneys shall cover and include compensation for services rendered by them in the circuit courts of appeals, be made applicable to the United States district attorney for the southern district of New York, who receives, in addition to other compensation, a salary of \$6,000 per annum.

Respectfully,

JOHN W. GRIGGS,
Attorney-General.

The CHAIRMAN. This is sufficient knowledge and you need not bother further about it. These accounts of Henry L. Burnett have not been passed upon by the Attorney-General.

Mr. GLOVER. They have not been passed upon because there is no appropriation, practically.

The CHAIRMAN. Precisely, but they are legal claims and they could be audited by the auditing officers of the Treasury and certified as audited accounts after this year, could they not?

Mr. GLOVER. I have little doubt about that.

The CHAIRMAN. They can at sometime or other, I do not know just what time.

Mr. GLOVER. They can be audited now, of course, if they ever can be audited.

The CHAIRMAN. Because it is subject to the approval of the Attorney-General; that is the reason, is it?

Mr. GLOVER. Yes.

The CHAIRMAN. Now, the Attorney-General has not yet approved this \$4,025?

Mr. GLOVER. No; he did not understand what Congress would do about this matter.

The CHAIRMAN. Suppose he never approved it, he never could get any pay?

Mr. GLOVER. No, sir; he would never get any pay.

The CHAIRMAN. And if there should never be any appropriation he would never approve it?

Mr. GLOVER. I can not say, but I presume not.

The CHAIRMAN. The next item is to pay Frank D. Allen \$1,900.

Mr. GLOVER. That is pretty thoroughly explained by the Comptroller. It arises from this state of facts: Prior to July 1, 1896, and the Winston case a district attorney was entitled to compensation for services in the circuit court of appeals in addition to the maximum compensation allowed him as district attorney. There were numerous cases of this kind, and they were paid out of the \$10,000 appropriation just mentioned. This would have been disposed of in the same way but for the fact that it is finally settled and adjudicated by the Comptroller—that is, the First Comptroller. The claim was approved by the Attorney-General and it was allowed by the Auditor, but it was charged to the district attorney in the settlement of his emolument accounts, so that he got no benefit of it at all. Now, this is simply legislation practically to set aside the settlement by the First Comptroller so that he can be paid just as other district attorneys were paid for like service.

Mr. KENNARD. It is to correct an error, virtually.

Mr. GLOVER. Yes, sir; it is admitted that the action of the Comptroller was erroneous in view of the decision in the Winston case and the decision in the Carter case.

The CHAIRMAN. But this is back prior to 1896?

Mr. GLOVER. Yes, sir; the services were prior to 1896—prior to July 1, 1896.

The CHAIRMAN. Is that the only case?

Mr. GLOVER. That is the only case in this condition. This other matter that has been called to your attention is of the same class of cases, but was not adjudicated. That is the case of Mr. Sawyer; that is the \$200 claim.

The CHAIRMAN. The next is the Weil and La Abra cases.

Mr. GLOVER. Well, that is said to be necessary to have more money in those cases to bear the expenses. I am not very thoroughly acquainted with the history of that case; I think Colonel Clay was before the committee yesterday on that matter.

Mr. KENNARD. The case has been appealed to the Supreme Court,

and there is no money available for the continuation of the work; it is entirely exhausted.

The CHAIRMAN. This case seems to have been decided.

Mr. KENNARD. One case was decided.

The CHAIRMAN. Was special counsel employed in these cases?

Mr. GLOVER. Yes, sir.

The CHAIRMAN. How much has been paid?

Mr. KENNARD. We have not the figures, but all the money that has been appropriated has been paid entirely; there is no balance whatever remaining. I believe the expenses in the cases have been at least \$30,000.

The CHAIRMAN. Who is the attorney?

Mr. GLOVER. Mr. Maury.

The CHAIRMAN. Who is Mr. Maury?

Mr. GLOVER. He was former Assistant Attorney-General years ago.

Mr. KENNARD. It is Mr. William A. Maury.

The CHAIRMAN. You do not know how much of this is to pay for what has been done, and how much is to pay for what will be done?

Mr. GLOVER. I could not state that; that is to be determined by the allowance of the Attorney-General.

The CHAIRMAN. The next item is punishing violations of the intercourse act and frauds.

Mr. KENNARD. That is merely a regular item which was presented too late to be paid in time.

The CHAIRMAN. The next is counsel for Mission Indians in southern California.

Mr. GLOVER. We have asked for an appropriation of \$1,000 this year and you have only given \$500.

Mr. KENNARD. We could not very well pay all of those expenses out of \$500.

The CHAIRMAN. You ask for 1896 \$8.40, and for 1897 \$159.45.

Mr. GLOVER. Yes; those were the expenses in addition to the compensation allowed to the attorney.

The CHAIRMAN. Now, go to the item of special payment to reimburse E. D. Winney.

Mr. GLOVER. That was this kind of a case. He was sued in his official capacity as United States marshal, and the case was taken to the Supreme Court. The United States defended him, the United States being interested in the matter, and he was compelled to pay this amount of money, and he has paid it, and now it is to reimburse him.

The CHAIRMAN. Strictly an official matter?

Mr. GLOVER. Strictly an official matter; yes, sir.

The CHAIRMAN. Now, in the matter of the payment to Weaver for taking depositions.

Mr. GLOVER. The district attorney employed Mr. Weaver to take these depositions at Eureka, Cal., in the interest of the Government. The district attorney was not there, and it would probably have cost the Government more for him to go there than—

The CHAIRMAN. And you had no money to pay this—was there no appropriation to meet such a case?

Mr. GLOVER. He was not appointed district attorney as required by sections 365 and 366, and consequently could not be paid as an attorney.

The CHAIRMAN. Now, for payment to Charles Bucher.

Mr. GLOVER. He was a special master in a case in which the United States was largely interested. He rendered services running through a number of years, and he has been paid the sum of \$3,000, at least, the present fiscal year out of miscellaneous expenses of United States courts, but the Attorney-General deemed it right and proper that this amount should be appropriated to pay him in full for the services.

The CHAIRMAN. After all, he has power to pay him from miscellaneous expenses?

Mr. GLOVER. It would be necessary to make an appropriation for a number of fiscal years, and it was thought better to make a special appropriation to cover the balance of the amount due to him for services, and of course this remains subject to the final taxation of costs. These expenses may be taxed up against the other party at the end of the litigation.

The CHAIRMAN. Now, I think you had better pay it from the appropriation available for this purpose and submit an estimate for an increase of that appropriation.

Mr. KENNARD. It runs back several years.

Mr. GLOVER. You would have to make several fiscal-year appropriations if we pay it out of that appropriation.

The CHAIRMAN. Is that all the information you have got about it?

Mr. GLOVER. That is all the information I have got about it, and I think that is the whole of it.

The CHAIRMAN. You do not know how much work he has done?

Mr. GLOVER. That matter was investigated very thoroughly, and it was thought that the compensation was a reasonable one and the court approved it, and it has been thoroughly investigated as far as that is concerned, I think.

The CHAIRMAN. Well, now, in these cases, does not the payment generally wait for a determination of the case?

Mr. GLOVER. Sometimes it does, and that complicates matters very much. Oftentimes they run along for a number of years, and in the meantime the appropriations from which his services are payable have been covered into the Treasury, and you have to ask a new appropriation.

The CHAIRMAN. He has been paid how much already on this?

Mr. GLOVER. Three thousand dollars.

The CHAIRMAN. The next item is to pay W. W. Dewhurst \$609.34.

Mr. GLOVER. Well, that is this kind of a case. There was litigation in the case of Mitchell against Furman in the court in Florida, I think, and while the Government was not a part to the suit it was interested in the litigation. The parties to the suit refused to take it any further because the expense would probably be too great and the Solicitor-General deemed the Government was sufficiently interested in the case to intervene and have it carried to the Supreme Court, and as the best means of doing that the attorney who had represented one of the parties, presumably the losing party in the litigation down there, was employed to help bring the case to the Supreme Court, and this was to pay him for that kind of service.

The CHAIRMAN. Have you not a general appropriation from which you can pay for that kind of service?

Mr. GLOVER. No; there are some expenses he had to pay out in order to bring it up which did not properly belong in there. For instance, the Auditor for the State and other Departments disallowed

certain fees of the clerk down there, and this attorney was compelled, therefore, to pay some expenses of that kind. There seems to be no appropriation from which this can be paid now except in this way.

The CHAIRMAN. When did this happen?

Mr. GLOVER. This was within the last year.

Mr. KENNARD. After July we will be able to pay for such things, because you changed the language of our appropriation.

Mr. GLOVER. Furthermore, this man assisted in taking the case to the Supreme Court, and there is no appropriation now from which services in the Supreme Court can be paid, as an assistant to the Attorney-General, in other words. The appropriation for 1901 would cover services of that kind.

The CHAIRMAN. But it would not pay for services in former years?

Mr. GLOVER. No; there is no appropriation.

The CHAIRMAN. The Department of Justice recommends this?

Mr. KENNARD. Yes, sir; I think it is all right.

The CHAIRMAN. The next is payment to William J. Brown, \$250. Why should not the attorney do that?

Mr. GLOVER. In a certain sense he should.

The CHAIRMAN. Does not the law require he should?

Mr. GLOVER. The district attorney was authorized by the United States to employ Brown, but at the time it was supposed by the Attorney-General that he was simply employed as an abstractor of titles and not as an attorney, but upon subsequent correspondence with the district attorney for that district it was learned that he was employed not as a mere abstractor but as an attorney to look up very difficult questions of law, etc. Doubtless if the Department of Justice had understood the matter thoroughly Mr. Brown would have been employed as an especial assistant district attorney, but he was not so employed because it was not supposed that he was to render any services in that capacity, and he was not appointed, as the law required, an assistant district attorney, and therefore can not be paid in that way.

The CHAIRMAN. This is a case where the law did not know the law, and they come now and want the claim paid.

Mr. KENNARD. The attorney says that the questions involved in the controversy grew out of conveyances in something like forty deeds covering the title to the entire tract and it was necessary to examine all these titles, and it was an abstracting and laborious job and the district attorney assisted in the work, but Mr. Brown's assistance was necessary and invaluable. In addition to this Mr. Brown made the opening argument for the Government.

The CHAIRMAN. The next item is for payment to Henry L. Burnett—

Mr. LIVINGSTON. Is that the same man?

Mr. GLOVER. No; this is payment to Burnett for services in the supreme court of the State of New York.

Mr. LIVINGSTON. It is the same man?

Mr. KENNARD. Yes.

The CHAIRMAN. This seems to be in the case of John G. Hassard against the United States of Mexico.

Mr. GLOVER. The district attorney was directed to appear there in the court really in the interest of the Government of Mexico—

The CHAIRMAN. Why does not Mexico pay? Did you have the right to call upon him to do the work?

Mr. GLOVER. Technically, I think no. It was a case in which the United States was not legally interested, but diplomatically interested, because it was practically a suit against the Republic of Mexico by a citizen of the United States, and the Attorney-General thought it entirely proper that the district attorney of the southern district of New York should be directed, or somebody representing the United States should be directed, to appear and really act on the part—

The CHAIRMAN. Did they have authority to employ him from some appropriation made?

Mr. GLOVER. Well, that might be a question of doubt.

The CHAIRMAN. The next is to pay J. N. Whittaker for clerical services in the office of United States attorney of the eastern district of Virginia, etc., \$45.87?

Mr. KENNARD. Mr. Whittaker was clerk to the attorney and there was a hiatus there during which there was no district attorney, and pending the appointment of his successor the clerk continued to perform the services, but owing to the fact that there was no district attorney for that period we were unable to pay him.

The CHAIRMAN. He would have been paid if there had been a district attorney?

Mr. KENNARD. Yes, sir; it is a technical matter.

The CHAIRMAN. You do not know anything about these next two cases?

Mr. GLOVER. No.

The CHAIRMAN. To pay accounts of L. B. Shephard, United States commissioner at St. Michaels, Alaska?

Mr. GLOVER. There are a lot of expenses he claims to have incurred there.

Mr. BARNEY. I have examined into these papers, and in the case of Maidhof there is nothing to show what he wanted to recover the body of Mr. Maidhof for. Do you know anything about that?

Mr. GLOVER. I think there is evidence in the letters or papers there.

Mr. BARNEY. I have here the papers and there is nothing here regarding the use for his body at all.

Mr. GLOVER. I think it was in connection with murder.

Mr. BARNEY. That is in connection with the next case—Patterson. I do not see anything in the papers to show anything about Maidhof's case except the mere inquest.

Mr. GLOVER. I think the inquest was for the purpose of furnishing proof. That is my recollection about it.

Mr. BARNEY. There is nothing in the documents here to show that there is anything in reference to any criminal case at all.

Mr. GLOVER. I believe you have all the papers there; I think they were all sent up here.

Mr. BARNEY. There is nothing here to show that it had anything to do with any criminal matter whatever.

The CHAIRMAN. You think the Patterson case ought to go in?

Mr. BARNEY. I think so.

The CHAIRMAN. And the Shephard case, you think, ought to go in?

Mr. BARNEY. Well, yes; the last one of Crane—I can tell you in short just what the documents here show, and that is that Crane was United States commissioner there in Alaska on a salary. Of course they get a regular salary and fees, and there was a party that got

stranded at Circle City and he got some provisions for them and helped them out to the extent, it seems, of \$225.

Now, it only occurs to me that it is a rather bad precedent to set, that when a man does a charity to anybody anywhere that he should come to the United States for pay, because there was nothing in the duties of this officer as commissioner requiring him to do anything of this kind, but he did it, as the receipts show, to the extent of \$225 in buying provisions for those people, and now he asks the United States to pay him. The question simply in my mind is whether we ought to establish a precedent of reimbursing a man for any charity of that kind, because he is exactly in the position of a private citizen who does the same thing.

Mr. KENNARD. We referred that to the Department of the Interior and I suppose they submitted it.

The CHAIRMAN. Suppose you investigate it when you go back to your office and see if you have anything further to say about Maidhof?

Mr. GLOVER. I do not think I can give anything further about it, but we will see if there is anything further, and if there is we will let you know.

UNITED STATES COURTS.

The CHAIRMAN. The next is United States courts. For rent of rooms for United States courts and judicial officers, \$3,600.

Mr. KENNARD. That came from the Treasury Department.

The CHAIRMAN. Is that an audited claim?

Mr. KENNARD. They must be audited claims; we have submitted no item from our Department, and I take it that item comes from the Treasury. That is for the year 1899, I believe, although it does not show there.

The CHAIRMAN. It is for 1900, and you had \$100,000, and it seems to be short \$3,600. You do not know anything about it?

Mr. KENNARD. We did not put in an item for rent of court rooms. I take it that refers to 1899, and they are audited claims; otherwise I can not imagine where it comes from.

The CHAIRMAN. It is in the general deficiency estimate as coming from the Department of Justice.

Mr. KENNARD. In looking at it I see they are audited claims for 1899.

The CHAIRMAN. For payment of certain miscellaneous expenses that may be authorized by the Attorney-General for the United States courts and their officers, etc., you estimate \$15,000?

Mr. GLOVER. That is in addition to the appropriation already made for that purpose.

The CHAIRMAN. You have had \$215,000 and a deficiency of \$30,000, and this is a further deficiency of \$15,000?

Mr. GLOVER. Yes; there have been a lot of very expensive cases which have made an extraordinary strain on that appropriation, especially the noted Carter cases.

Mr. KENNARD. We will probably expend \$10,000; it has been nearly that much already, on the Carter case alone.

The CHAIRMAN. And before you get those people out at New York it will be \$20,000 more. And this appropriation is exhausted now?

Mr. KENNARD. It is not exhausted now, but it would be exhausted if we advance the money to the marshals which has been requested; it

would be more than exhausted. There will be several other items for this bill—for instance, Hawaiian salaries.

The CHAIRMAN. I wish you would take these papers and these two bills and look over them, and see whether there is an equitable claim there and write us a letter by morning, returning us these papers.

Mr. GLOVER. Yes, sir.

MAJ. J. B. BELLINGER'S ACCOUNTS.

The CHAIRMAN. This item is simply touching the settlement of your accounts at West Point?

Major BELLINGER. Yes, sir; the comptroller stated that the time had elapsed in which I was authorized to go into it. I was down at Tampa; I went down to Tampa after that mess was made down there, and was kept right busy straightening the thing, out and all of my papers from the auditor's and comptroller's offices were sent to West Point for reply. They claimed that the appropriations had lapsed and I claimed they had not lapsed.

The CHAIRMAN. Now, this seems to be:

To settle the accounts involving appropriations for the fiscal years 1895, 1896, and 1897?

Major BELLINGER. Yes, sir.

The CHAIRMAN. You did not go down there until 1898?

Major BELLINGER. I will tell you how that was. These appropriations as expended formerly at the Military Academy were considered as being continuous. I went there in 1894, and along about 1894, I think it was, you made that change in the Treasury officials of having an Auditor for the War Department instead of the old Second Auditor, and I disbursed the appropriations on the basis of there being continuous appropriations, certain appropriations, such as buildings and grounds. Then he wrote to me, I think it was about two years after the first disbursement, stating those appropriations had lapsed and were not available at the time they were expended. I wrote to him, calling his attention to the fact that they had been expended as they always had been expended, and said to him that in the future, with the exception of a piece of work which had to go right along, they would be expended under his ruling, and I claim they should not be suspended on that account. He simply took the ground—

The CHAIRMAN. One moment, I will read what General Ludington says. Well, I do not see any abuse that can creep in under that matter.

Major BELLINGER. It is simply a technical matter in which the Comptroller states that the time had lapsed.

STATEMENT OF CAPT. CHARLES D. SIGSBEE, UNITED STATES NAVY.

The CHAIRMAN. Now, these receipts for expenses of subsistence at Key West or Habana, or both, between February 15, 1898, and May 1, 1898, checked, or directed to be checked, against their accounts is for both officers and men?

Captain SIGSBEE. Both.

The CHAIRMAN. The sum stated in all is \$2,656.48. Now, what I want to ask you about is just what this is for?

Captain SIGSBEE. It is not, first of all, a further indemnification; I should like that to be understood. That was paid by Congress. The paymaster paid all these bills on my order as commanding officer of the ship. They are put down really as board and lodging, but in my case, especially, nearly a hundred dollars was for a Government office, and not in any wise a room occupied. This telegram came from the President of the United States when we were blown out of our quarters.

FEBRUARY 16, 1898.

The President directs me to express for himself and the people of the United States his profound sympathy with the officers and crew of the *Maine*, and desires that no expense be spared in providing for the survivors and caring for the dead.

Now we had no quarters. Ordinarily one would suppose that they would pay that board themselves, and you put the question to me, I believe, in one of your letters, but in this case it is not an ordinary case. Ordinarily an officer pays for those things out of his mileage, but there was no mileage in this, and no quarters where the officers and men could go. For example, you should not suppose the men would go to the Inglaterra Hotel and pay \$3.50 or \$4 a day. But I ordered the men to go to this particular hotel because there was no other logical place to go. It was General Lee's place, and owing to the serious political relations it was very necessary to keep the men right under my eye and guard them in every way, and therefore I ordered them to go to the Inglaterra Hotel and to stay there.

They had no option whatever. When a man travels under orders he generally chooses his own place and his expenses might be as little as he pleases, but there was no option in this matter at all. They had to go there in Habana and there they stayed. Now, my contention is that that should be paid by the Government, and if I had no other warrant I certainly had the warrant of the President of the United States directing me to spare no expense in this matter.

The CHAIRMAN. Let me get at it. While you were on board ship as officers and crew that was their home?

Captain SIGSBEE. That was their home; they had their quarters there. Officers under sea orders get quarters, but in this case they were blown out of their quarters.

The CHAIRMAN. And every enlisted man and sailor has a place?

Captain SIGSBEE. Yes, sir; they were given a bag and a hammock and given a place to sleep and given cooks, stewards, and everything.

The CHAIRMAN. And those were furnished to the officers on the one hand and to the men on the other hand?

Captain SIGSBEE. On board of ship; yes, sir; quarters and certain conveniences and each one gets 30 cents a day rations.

The CHAIRMAN. Each one, and they practically commute that, I suppose?

Captain SIGSBEE. On board the *Texas* we commuted everything; sometimes they commute part, depending upon conditions.

The CHAIRMAN. And where they commute, everybody furnishes their own—

Captain SIGSBEE. They all saved the expense of a good many things; they save the expense of cooks, stewards, and servants, and mess outfit, and things of that kind, which all go to save an officer's expenses.

The CHAIRMAN. Those were all furnished without expense?

Captain SIGSBEE. Without expense aboard ship.

The CHAIRMAN. And that was true as to men—the cooks, etc., were all furnished without expense?

Captain SIGSBEE. Yes, sir; aboard ship.

The CHAIRMAN. When the *Maine* was destroyed of course the men had to be otherwise provided for?

Captain SIGSBEE. Yes, sir.

The CHAIRMAN. If they had gone aboard ship, if there had been one there—

Captain SIGSBEE. There was no room. There was a ship which came there, but there was no room.

The CHAIRMAN. But if there had been room and they had gone aboard ship they would have had the same things; but as I understand you there was nothing to be done except to put them ashore and put them at a hotel.

Captain SIGSBEE. I had to put them where I could get at them, irrespective of what it cost.

The CHAIRMAN. Now, they still had—both the officers and men—an allowance?

Captain SIGSBEE. Of 30 cents a day.

The CHAIRMAN. Did that run to the officers and men both?

Captain SIGSBEE. They all got it; yes, sir.

The CHAIRMAN. The officers had more than that?

Captain SIGSBEE. No; the officers get the same, 30 cents. Everybody attached to a seagoing ship gets that; that is, if it is commuted.

The CHAIRMAN. Of course that 30 cents would not support them at a hotel?

Captain SIGSBEE. No.

The CHAIRMAN. Now, those people remained there until you could make other disposition of them?

Captain SIGSBEE. Yes, sir.

The CHAIRMAN. The sum you here ask to be appropriated is the difference between the 30 cents a day they were entitled to under the law and what was in fact paid?

Captain SIGSBEE. I think 30 cents a day should be deducted from this.

The CHAIRMAN. Is not that in the estimate?

Captain SIGSBEE. That I can not say, but I do not think the 30 cents ought to be paid to them, although there were many expenses which would certainly eat up much more than that, from the mere fact of being on shore.

The CHAIRMAN. Then they sent over a portion of those people to Key West?

Captain SIGSBEE. Yes, sir.

The CHAIRMAN. Where the investigation was being held?

Captain SIGSBEE. And there they went to the hotel the same way. Just what the orders were I do not know. They were still attached to the *Maine*, and I presume the same conditions held there, and they were held there for the court of inquiry.

The CHAIRMAN. And this covers the period from the destruction of the *Maine* until they were released from attendance upon the court of inquiry?

Captain SIGSBEE. Until they were detached after they go through with the court of inquiry.

The CHAIRMAN. Now—I am asking for information—if an officer is put from sea duty on shore duty, I do not know what the allowances are.

Captain SIGSBEE. The fact is, now I get a little more, but then I would have gotten a little less on shore duty, but I should have been allowed to seek my own place of board and would not be directed to go to a specific place. The case is different, I think. Now, if I go to New York I may live at the cheapest place in New York, and I am given mileage to go there, and that is supposed to cover my expenses, and I would not go to the Waldorf-Astoria nor would a sailor man, but he would go the cheapest place; but in this case we had to go to a place even though it was at a heavy expense, as it was absolutely necessary to keep the men together to avoid friction.

The CHAIRMAN. In making this appropriation I want to see if we want to change this language in any way, so that when a man is settled with he shall have the difference between that which they received for subsistence or rations and the amount that was expended.

Captain SIGSBEE. Yes, sir; I think it would be well to put in a proviso to the effect that this amount shall be reduced by the amount of rations at 30 cents a day.

The CHAIRMAN. Will you be kind enough when you go back to the Department to look into the matter and see whether that has already been done?

Captain SIGSBEE. I will hunt it up.

The CHAIRMAN. If it has not been done, you have got the estimate, and will you be kind enough to give us a proviso which will cover what you recommend about it?

Captain SIGSBEE. Yes, sir. Now, one thing I would like to be understood in my own case is that I am here more especially on behalf of others, as, of course, they look to me to do these things, and I want to say on my part of the \$137 checked against me, somewhere in the neighborhood of \$100 was spent by me at the hotel for an office which I did not use and for board which I did not get. For instance, \$137 is checked against me. Now, I lived at the hotel ten days, and then went on board the *Fern*. For the remainder of the time, about twenty-six days, I maintained a room at that hotel. The Government was after me constantly to take care of telegrams, etc., and I had to maintain an office, where I had my aid at work. It would not have done for me to stay on shore then, and I had to have this office, and this hotel was the only logical place. Those twenty-six days I lived aboard ship, and during that time I maintained a room on shore and had an office at the rate of \$3.50, and, of course, it was not——

The CHAIRMAN. This covers that.

Captain SIGSBEE. This includes that. Unfortunately, it was put in the bill as board and lodging. It was lodging in the sense of maintaining a bedroom at the Inglaterra Hotel, but that bedroom was for a Government office, and \$90 or \$100 was strictly for that.

The CHAIRMAN. And that office was necessary?

Captain SIGSBEE. Undoubtedly; and I think the very fact that the President thus telegraphed seemed to justify the expense, and even without that it was justifiable.

The CHAIRMAN. I quite agree with you. Just take this amendment and you can send us a proviso in the event the proviso ought to go on here, or you can ascertain from the Auditor if that amount really

ought to be paid, and just revise these amounts here, if they need any revision, and put in the net amount without any proviso?

Captain SIGSBEE. Yes, sir; I might change the net amount so as they would be reduced—that could be done.

The CHAIRMAN. Very well.

MILITARY POSTAL SERVICE.

STATEMENT OF D. W. DUNCAN, CHIEF OF BOOKKEEPING DIVISION, POST-OFFICE DEPARTMENT.

The CHAIRMAN. There is an item here for military postal service of \$47,767.49. This all appears to be 1898 and 1899.

Mr. DUNCAN. Yes, sir. That ends June 30, 1899.

The CHAIRMAN. There is nothing for the current year?

Mr. DUNCAN. No, sir.

The CHAIRMAN. Now, I wish you would explain about this. For instance, when you come to the item of W. W. Montague, postmaster at San Francisco, second quarter, 1899, June 13, 1898, to March 3, 1899, you give an item of \$2,032.02. Now, how did the postmaster of San Francisco have anything to do with it?

Mr. DUNCAN. Those were for expenditures in the Philippines; that is for expenditures at Manila.

The CHAIRMAN. It was administered through the San Francisco postmaster?

Mr. DUNCAN. Yes; it was made a military station of the San Francisco office. To control the accounts and have the responsibility of a bonded man in charge, Manila was made a station of the San Francisco office. Cuba was controlled through New York City, and Porto Rico through Washington City, and Manila through San Francisco.

The CHAIRMAN. And this was the total cost—\$2,000?

Mr. DUNCAN. No, sir.

The CHAIRMAN. You used the revenues, then. This was the deficit, was it?

Mr. MONTAGUE. There was an appropriation for military postal service for that year of \$50,000, supplemented by the act of March 3—\$150,000—making the total appropriation available of \$200,000.

The CHAIRMAN. That was for the whole military postal service?

Mr. DUNCAN. Yes, sir.

The CHAIRMAN. For the Philippines and everywhere else?

Mr. DUNCAN. Everywhere else, and in this country where military camps were established. Now, in addition to the \$200,000, there was this sum outside of \$47,767.49 spent, making the total cost of the military postal service for that year \$247,767.49. The reason why those bills are marked at different offices is that the vouchers for the expenditures did not come in until after the close of the fiscal year; well, some of them came in before, but the amount of the appropriation had been reached and the excess was necessarily expended, so there are no funds now available from which to make payments.

The CHAIRMAN. Then this carries two years, 1898 and 1899, both?

Mr. DUNCAN. If you will notice, the quarters show that they are for the fiscal year 1899; the third quarter of 1898 belongs to the fiscal year of 1899.

The CHAIRMAN. The third quarter, 1898, yes; but it commenced a little before that, June 13, 1898, with Montague postmaster?

Mr. DUNCAN. Excuse me, that is the date of the appropriation granted of \$50,000.

The CHAIRMAN. That is the date; oh, yes; I see now. It is to pay for the fiscal year 1899?

Mr. DUNCAN. Yes, sir.

The CHAIRMAN. And that was during the war period?

Mr. DUNCAN. Yes, sir; and incident to it.

The CHAIRMAN. Then you specify here, J. B. Willett, late postmaster, Washington, D. C., first quarter, \$12,000; second quarter, \$28,000 plus, making \$40,000; that was not all that was spent?

Mr. DUNCAN. No, sir.

The CHAIRMAN. This is just the balance now it takes to even up those three offices; that is, to even up the service that was done through those three offices.

Mr. DUNCAN. Yes.

The CHAIRMAN. This is all of it, is it, or is there any outstanding further?

Mr. DUNCAN. Well, it is possible there may be something outstanding, but it is small. There is no large outstanding item that we know of.

The CHAIRMAN. This amount has been ascertained?

Mr. DUNCAN. Yes, sir; by vouchers filed and approved.

The CHAIRMAN. Does that await payment or has it been paid?

Mr. DUNCAN. It awaits payment.

The CHAIRMAN. It is not mere bookkeeping?

Mr. DUNCAN. Well, now, let me explain. The postmaster out of his revenue has retained the amount represented by this deficiency, but on his postal accounts with the United States appears the balance due the United States, the collection of which is not pressed now, awaiting the action of Congress, and this credit made subject to appropriation.

The CHAIRMAN. Well, it is the same as any other case?

Mr. DUNCAN. Yes, sir; except in the case of a claimant for supplies furnished by contract and paid by warrant on the Treasurer. The claimant has not received his money in this case; the clerk who performed service, say, in Cuba has received his money, but the postmaster, who is the disbursing officer for the Government, has not received credit for the disbursement and will not until Congress approves the deficiency.

The CHAIRMAN. And yet he has retained it from the postal receipts?

Mr. DUNCAN. Yes, sir.

The CHAIRMAN. It is like unto the accounts of a postmaster with the Government, he retains from the—

Mr. DUNCAN. This is the account of the postmasters with the Government.

The CHAIRMAN. It is like unto all other accounts with the postmasters?

Mr. DUNCAN. Yes, sir.

The CHAIRMAN. Then, practically, this is merely a squaring of books?

Mr. DUNCAN. Yes; but the Department and the Government is committed to this; they have approved the expenditure and authorized the postmaster to make this expenditure.

The CHAIRMAN. And he has retained it from his postal receipts?

Mr. DUNCAN. Yes, sir.

DISTRICT OF COLUMBIA.

STATEMENTS OF J. T. PETTY, AUDITOR FOR THE DISTRICT OF COLUMBIA, AND MR. C. B. HUNT, COMPUTING ENGINEER, DISTRICT OF COLUMBIA.

The CHAIRMAN. Mr. Petty, there is an item on page 26 of the galley to pay the Hawley Down Draft Furnace Company for two Hawley down-draft furnaces installed in the municipal building, \$1,500. Why should we make that expenditure? In other words, why should not the landlord do it?

Mr. PETTY. Our lease requires that all the interior repairs or alterations of the building shall be made at the cost of the lessee, while the lessor is responsible for all repairs of the exterior.

The CHAIRMAN. And this is for the interior?

Mr. PETTY. This is something that we had to do under the anti-smoke law before we could consistently prosecute violators of that law in the community.

The CHAIRMAN. That is, the Government is obeying the law and nobody else? I guess that is about the size of it?

Mr. PETTY. No, sir; we have several cases pending in which we have prosecuted violators of the law, and, as the court of appeals has decided within the week that the law is constitutional, it will doubtless be enforced.

The CHAIRMAN. Then you are making headway; that explains that. Now, at the bottom of galley 26 you ask that the sum of \$913.11 be paid to the Cranford Paving Company for work on Seventh street between E and G northwest. What is the necessity for that?

Mr. PETTY. Mr. Chairman, in explanation of that, item I would ask that Mr. C. B. Hunt, computing engineer, make a statement, as he understands it thoroughly.

The CHAIRMAN. All right.

Mr. HUNT. The pavement that is referred to here is the one in front of the General Post-Office and the General Patent Office buildings on Seventh street. The limitation of cost of \$2 a day, which is cited here as operating as a disallowance, was one which was created away back in 1886, and contained in every appropriation bill since then. It referred, however, to the cost of actually constructing the pavement, what is called putting down the base, the binder, and top—three items. The preparation of the street for the pavement was not intended to be included in the \$2 price. It was not so intended by the limitation opposed, and it never has been since. The subgrade has always been considered, and in the very first specification made after this limitation was imposed it was considered a separate matter from the construction of the pavement to which the \$2 limit applies.

The CHAIRMAN. And this is for that work?

Mr. HUNT. This is for that work. Our contract was, unfortunately, drawn; that is about all there was to it. We drew our contract in such terms that it seemed to the Treasury that that included as a part of the construction of the pavement work that was really on the subgrade.

The subgrade there was found to be an old concrete base. Those concrete blocks were laid on that concrete base.

The CHAIRMAN. Was your contract in fact that way? If it was, do you owe these people anything?

Mr. HUNT. The concrete that was put in that made the excess over the \$2 was in the subgrade; it was below the level of the pavement.

The CHAIRMAN. But did not your contract include that?

Mr. HUNT. The contract provided for the concrete to be put in at a certain price per cubic yard, not per square yard, and it was by a method of calculation that the Treasury Auditor arrived at the fact that we had exceeded the \$2; it was not by any statement of a flat price. We had no \$2 excess in our price. It was by a method of calculation he arrived at the excess, and in making that calculation he included the concrete we had to use and the bituminous base we had to use in the preparation of the subgrade, and it is that excess on which the disallowance is made.

The CHAIRMAN. Now, an allowance ought to be made, provided those parties were not bound by the contract. If they entered into a contract by which they would do the whole thing at \$2, or whatever it was, a yard, it seems to me they ought not to be entitled to any relief.

Mr. HUNT. They did not; there was no such contract. The work now, as done, can be demonstrated to be for a pavement at a lower price than \$2; but the concrete base that was in the subgrade and the concrete in the pavement are consolidated in the statement simply as one item, and when the Auditor looked at the account it so appeared to him, and he can not separate or disassociate those two items one from the other, but yet it is a fact that one is subgrade work and the other is above subgrade.

The CHAIRMAN. Suppose those men should bring suit in court; could they recover?

Mr. HUNT. It has been paid, sir. It was paid in full under the circumstances I have stated to you and in good faith by our auditor, Mr. Petty; but as to the question you ask, I am satisfied they could recover, as far as my knowledge goes.

The CHAIRMAN. For public schools: For fuel, \$5,000—I suppose that is just a deficiency, is it?

Mr. PETTY. That is a deficiency. We have already spent \$4,100 in excess of the current appropriation. It is due to the fact that the cost of coal is 95 cents per ton more this year than during last year.

The CHAIRMAN. For text-books and supplies, 1899, you estimate \$235.46. Do we furnish text-books to everybody in the District?

Mr. PETTY. Up to the eighth grade, inclusive; not beyond that. That estimate is for expenditures actually made in excess of the amount appropriated. The books have been received and used and they were considered necessary by the superintendent.

The CHAIRMAN. For manual training you estimate \$213.26. What is that for?

Mr. PETTY. That is to pay a bill for the purchase of supplies for the manual training department in excess of the amount appropriated. It is a clear deficiency.

The CHAIRMAN. Then there are repairs, contingent expenses, and again text-books for 1898; I suppose those were necessary deficiencies?

Mr. PETTY. They were so considered by the school authorities.

The CHAIRMAN. Who determines that, the school authorities or you?

Mr. PETTY. Well, we try, Mr. Chairman, to control all purchases, but in this case we failed. The superintendent of public schools

ordered these goods of the dealers instead of making requisition therefor through the property clerk as required by the regulations of the Commissioners. It was an inadvertence, which has been brought to the attention of the Commissioners, who have issued such instructions as will be likely to prevent a repetition of the occurrence. The schools actually needed the supplies I am sure, and having been received they should be paid for, but the order should have been given through the regular channel.

The CHAIRMAN. If there had been there would have been no deficiency?

Mr. PETTY. No, sir.

The CHAIRMAN. The next item is in regard to the militia.

Mr. PETTY. That is for some coal which was furnished the naval militia when they were about to start upon their practice cruise. It was needed immediately, the time being so short that they could not get it inspected and passed by the district inspector. The law prohibits the purchase of coal which has not been previously inspected by the proper official. The Government got the coal, but they were not able to get it inspected before delivery.

The CHAIRMAN. Metropolitan police, for contingent expenses. You seem to have a deficiency there of \$2,500?

Mr. PETTY. Yes, sir; it will require every cent of that estimate to keep the department going for the balance of the fiscal year. The appropriation is about exhausted now.

The CHAIRMAN. There seems to be a little deficiency for last year?

Mr. PETTY. Yes, sir; the estimate is for the actual amount expended.

The CHAIRMAN. Repairs to stations, \$1,000?

Mr. PETTY. In some of the station houses the plumbing is in bad shape—in such a condition, indeed, as to endanger the health of the officers. One or two of them were so urgently in need of repair that we were obliged to use the emergency fund for the purpose.

The CHAIRMAN. Your appropriation is exhausted?

Mr. PETTY. Yes, sir.

The CHAIRMAN. Fire department for the fiscal year, contingent, you estimate \$500?

Mr. PETTY. Five hundred dollars is the estimate of the amount required to carry us to the end of this fiscal year.

The CHAIRMAN. You have got some little deficiency for last year there?

Mr. PETTY. Yes, sir.

The CHAIRMAN. For general expenses, telegraph, and telephone services, \$2,396.05.

Mr. PETTY. I have here a letter from the electrical engineer which makes clear his needs. That amount is absolutely required, he tells me, to take care of his department through the balance of the year, and I will leave with you his letter explaining the situation.

OFFICE ELECTRIC DEPARTMENT, DISTRICT OF COLUMBIA,
Washington, January 16, 1900.

HON. JOHN B. WIGHT,

President Board of Commissioners, District of Columbia.

SIR: I have the honor to submit herewith a statement showing an estimate for the general expenses in the telegraph and telephone service for the second half of this fiscal year and the balance of the appropriation available to meet it. There is an estimated deficiency in the appropriation of \$2,396.05, which I would respectfully ask may be included in the general deficiency estimate of the Commissioners. Two

causes have led to this condition of affairs. One, the advance in the price of materials of all kinds, while the amount of the appropriation was not increased to meet it. The other, the additional force necessary to properly and successfully operate the new fire-alarm system and the extensions made when the new system was installed.

A deficiency of \$7,430.81 was granted last year at the time the system was put in operation to meet the expense of the change and to provide for the necessary extra men. For the present year the services of those men were estimated for under the head of the electric department, but no recognition of this arrangement was made by Congress, nor was the general appropriation increased, although an additional amount of \$1,500 was asked for.

Very respectfully,

WALTER C. ALLEN,
Electrical Engineer, District of Columbia.

Statement of appropriation for general expenses, telegraph and telephone service, 1900.

NECESSARY EXPENDITURES, BALANCE OF FISCAL YEAR.

1 lineman, 153 days, at \$2.25	\$334. 25
1 machinist, 153 days, at \$2.50	382. 50
1 groundman, 153 days, at \$1. 50	229. 50
3 assistant telephone operators, 181 days, at \$1	543. 00
1 telephone messenger, 153 days, at \$1	153. 00
Electric current at headquarters, 7 months, at \$30	210. 00
Blacksmithing, 6 months, at \$7.50	45. 00
Forage, 5 months, at \$21.80	109. 00
Washing, 8 months, at \$2	16. 00
Ice, 8 months, at \$1.50	12. 00
Telephone rental and exchange, 3 quarters, at \$875	2, 625. 00
300 pounds zincs, at 9 cents	27. 00
100 cylinder zincs, at 15 cents	15. 00
100 pounds sal ammoniac, at 8 cents	8. 00
100 cross arms, at 45 cents	45. 00
100 pair braces, at 18 cents	18. 00
2,000 pounds hard drawn copper wire, at 19½ cents	381. 50
5,000 feet No. 14 okonite wire, at \$18.50	92. 50
Sundries	500. 00
	5, 756. 25
Balance of appropriation January 1, 1900	3, 360. 20
Estimated deficiency	2, 396. 05

The CHAIRMAN. That is all you know about it?

Mr. PETTY. Yes, sir; that letter explains the matter pretty fully.

The CHAIRMAN. Health department, disinfecting services, \$500?

Mr. PETTY. We estimated that \$5,000 would be needed for that service, but Congress gave us only \$3,000. We find it will require about \$3,500 for the year, and we ask for this \$500 additional.

The CHAIRMAN. The next is the emergency fund, where you ask that the sum of \$25 paid J. Sprigg Poole, agent, being the cost of the bond of the acting disbursing officer, etc., be appropriated. We do not pay for those bonds, do we?

Mr. PETTY. As a rule, I know you do not, but as our disbursing officer's health failed the Commissioners appointed the chief clerk of the auditor's office to act in that capacity. He did so without any benefit to himself or any increase of salary, and it did not seem right to make him pay for his bond. This request is to authorize the allowance of the amount already expended for this purpose.

The CHAIRMAN. The next item is to pay A. S. Taylor for services as judge, 1899, \$80.

Mr. PETTY. That is for his services as acting judge in the absence of the judges of the police court. The law provides for \$300 for each of those judges and this is for an amount in addition to that allowance. Judge Kimball, I think, was absent for about two weeks more than his usual leave on account of sickness in his family, and it is to pay for extra service, rendered necessary by that absence, that this \$80 is asked.

The CHAIRMAN. The next is in regard to judgments?

Mr. PETTY. Yes, sir.

The CHAIRMAN. Northern Liberty Market claims; that seems to be audited?

Mr. PETTY. Yes, sir; it is to be paid wholly from the District of Columbia revenues.

The CHAIRMAN. Support of prisoners?

Mr. PETTY. That is under the direction of the Attorney-General.

The CHAIRMAN. You do not know anything about that?

Mr. PETTY. No, sir; that does not come through our office.

The CHAIRMAN. Defending suits in claims?

Mr. PETTY. That is to pay the representative of the District of Columbia in the Court of Claims, who defends us against suits brought under the act of June 16, 1880. We have an appropriation of \$2,000, which provides for only eight months' service, but as it has been found necessary to have him constantly employed, it will require \$1,000 to take us to the end of the year.

The CHAIRMAN. Do you have a regular attorney?

Mr. PETTY. We have what is called a special assistant attorney, who assists the Attorney-General in defending these suits.

The CHAIRMAN. And his pay is what?

Mr. PETTY. His pay is \$250 a month. Ordinarily you appropriate only \$2,000, but as he has been continuously employed the amount appropriated is now exhausted.

The CHAIRMAN. Ordinarily he only does eight months' service?

Mr. PETTY. He has been required to be in attendance every month for several years past. The theory of the appropriation of \$2,000 is that he will not be needed every month in the year, but he has been needed continuously for several years past, and I assure you, Mr. Chairman, that he has saved many thousands of dollars to the District of Columbia.

The CHAIRMAN. This is equivalent to making it a salary of \$3,000 a year?

Mr. PETTY. That is just what it is.

The CHAIRMAN. Was anything done on the District bill in reference to this matter for next year?

Mr. PETTY. The Senate has added \$2,000. It was done, as this also is asked, at the request of the Attorney-General in a letter written by him to the Commissioners.

The CHAIRMAN. He is getting \$2,000?

Mr. PETTY. Yes, sir; for this year. We have paid him up to the last day of February, but he is working now, though, without any salary, as I have stated.

The CHAIRMAN. I understand he is at work; but why should he not not work the year if the pay is \$2,000?

Mr. PETTY. We pay him not at the rate of \$2,000 a year, but \$250

a month, and that has been his compensation for a number of years past.

The CHAIRMAN. The law does not anticipate that?

Mr. PETTY. It just gives the lump sum of \$2,000, and Congress has recognized the fact that we pay him \$250 a month by making this additional appropriation on several different occasions.

The CHAIRMAN. Heretofore?

Mr. PETTY. Oh, yes, sir.

The CHAIRMAN. So it is not new?

Mr. PETTY. No, sir; Mr. Courts can tell you that.

The CHAIRMAN. Here is an item to pay Frank W. Hackett for services as referee, \$200.

Mr. PETTY. Yes, he is referee in the Court of Claims. According to the practice which obtains in the Court of Claims, whenever one of these cases is to be tried the court refers the case to a referee to state the account. This estimate is to pay Mr. Hackett for services in the capacity of referee.

The CHAIRMAN. Ordinarily they have been appropriated for heretofore?

Mr. PETTY. Always.

The CHAIRMAN. Reform School for Girls, for amount required to complete the building and inclose the grounds, \$9,286.24.

Mr. PETTY. That is to complete the building and provide for inclosing the grounds. You gave us an appropriation of \$50,000 for that building, and this \$9,286.24 is required to complete the building, put a concrete pavement in the basement, and inclose the grounds with a good, substantial brick wall. There is a carefully itemized statement which I supposed I had brought with me, but I find I have not done so.

The CHAIRMAN. Is there any limitation on the cost of this building?

Mr. PETTY. No, sir.

The CHAIRMAN. There is just an appropriation of \$50,000?

Mr. PETTY. There was an appropriation of \$25,000 in one year and \$25,000 in the next year, making \$50,000 altogether.

The CHAIRMAN. And it will take \$9,000 to complete it?

Mr. PETTY. And to build the wall around and to put a concrete pavement in the basement of the building. I can send you the itemized statement to which I have referred, if you desire it.

The CHAIRMAN. Washington Asylum, you estimate a deficiency of \$2,855.65.

Mr. PETTY. That is to meet a deficiency which arose during the fiscal year 1899 in consequence of the increase in the cost of provisions. The amount of \$2,855.65 is a carefully estimated statement of the actual deficiency. We have in the office \$2,600 of those bills already, and others still outstanding, making in the aggregate the amount named.

The CHAIRMAN. Freedmen's Hospital and Asylum; that is a small item?

Mr. PETTY. Yes, sir.

The CHAIRMAN. The next is the Board of Children's Guardians.

Mr. PETTY. I have a letter here which I will submit to the committee in regard to that item.

The CHAIRMAN. We will be glad to have it. You have examined it, have you?

Mr. PETTY. Yes, sir; I talked with the superintendent of charities

about the matter and he seems to think that this is an allowance that ought to be made. He is well posted on the subject.

OFFICE OF THE SUPERINTENDENT OF CHARITIES
FOR THE DISTRICT OF COLUMBIA,
Washington, March 14, 1900.

GENTLEMEN: I have the honor to hand you herewith a statement of the estimated deficiency in the funds for the support of children under the care of the Board of Children's Guardians for the present fiscal year, amounting to \$9,200.

This deficiency is caused by the general operation of the law by which the board was created; but is largely due to the growth of the work of the board in directions heretofore wholly neglected, notably, the establishment and maintenance of the Hart Farm School for Colored Boys excluded from all other institutions in the District.

I ask for this estimate the favorable consideration of the Commissioners and the Congress.

Respectfully,

HERBERT W. LEWIS,
Superintendent of Charities

The COMMISSIONERS OF THE DISTRICT OF COLUMBIA.

BOARD OF CHILDREN'S GUARDIANS, OF THE DISTRICT OF COLUMBIA,
Washington D. C., March 12, 1900.

H. W. LEWIS, Esq.,
Superintendent of Charities, District of Columbia.

DEAR SIR: I am directed by the Board of Children's Guardians to submit to you an estimate of the deficiencies in the appropriations for the use of this board for the current fiscal year. This estimate has been considered in detail and approved as submitted.

I send herewith an itemized statement showing the minimum requirements of the board for the prosecution of its work, resulting in an estimated deficiency of \$8,859.16.

In view of the possible occurrence of an excess of expenditures over the minimum estimate, and the inconvenience that would result to the board, to its contract parties, and to the Congress, in such an event, and in consideration of the well-earned reputation of the board for economy in administration, and its disposition to return to the Treasury, when practicable, an unexpended balance of appropriations, I am authorized to ask that the appropriation be made in the sum of \$9,200, apportioned as follows:

DEFICIENCY APPROPRIATION FOR THE FISCAL YEAR 1900.

For the board and care and training of feeble-minded children, for the board and care of children committed to the guardianship of the board by the courts of the District, and for the temporary care of children pending investigation or while being transferred from place to place, \$8,000.

For the maintenance of wards of the board at the House of the Good Shepherd for Colored Girls, of Baltimore City, \$1,000, or so much thereof as may be necessary.

For the maintenance of wards of the board at St. Rose's Industrial School, of Washington City, \$200, or so much thereof as may be necessary.

In all, \$9,200.

You are, of course, aware of the necessity of specific appropriation by name in order to authorize the board to make payments to institutions regarded as being under sectarian control. The reasons for the request for appropriations for maintenance of wards of the board at the House of the Good Shepherd for Colored Girls, of Baltimore City, are set forth in the last two annual reports of the board, and received the sanction of the Congress last year. The reasons for maintenance of wards at St. Rose's Industrial School, of Washington City, are similar.

The itemized statement above referred to, which has been prepared by the disbursing officer of the board, is as follows:

The following is a close estimate of the amount that will be needed for the care of children during the concluding six months of the year:

Feeble-minded children:	
42, at \$225 per annum.....	\$4,725.00
3, at \$100 per annum.....	150.00
	<hr/>
	4,875.00

This estimate is based on the assumption that no more feeble-minded children will be received during the year.

On January 1, 1900, the board was charged with the maintenance of permanent wards, exclusive of those in Catholic institutions, as follows:

In boarding homes	96
In institutions	119
	<hr/> 215

As it can safely be promised that the free home placements during the last six months of the year will offset the commitments, it will be necessary to make expenditures for permanent wards as follows:

For 96 wards in boarding homes, at an average rate of \$108 per annum....	\$5,184.00
For 42 boys at the Hart Farm School, at \$200 per annum.....	4,200.00
For 32 children at Industrial Home School, at \$123 per annum.....	1,968.00
For 28 children at Children's Temporary Home, at \$132 per annum	1,848.00
For 5 children at the National Colored Home, at \$120 per annum.....	300.00
	<hr/> 13,500.00
For an average of 16 temporary charges, at \$120 per annum.....	960.00
For physician's salary	300.00
Additional medical expense (estimate)	100.00
Clothing (estimate)	200.00

Total cost of maintaining children not feeble-minded, but exclusive of those in Catholic institutions	<hr/> 14,960.00
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SUMMARY.

For feeble-minded children	4,875.00
For children not feeble-minded	14,960.00
For wards at House of Good Shepherd, Baltimore.....	1,000.00
For wards at St. Rose's Industrial School	200.00
	<hr/> 21,035.00
Total for last six months.....	18,824.16
Total for first six months	<hr/> 39,859.16
Amount of appropriation	31,000.00
	<hr/> 8,859.16

Estimated deficiency

Yours, respectfully,

B. PICKMAN MANN,
Secretary Board of Children's Guardians, District of Columbia.

Mr. PETTY. Mr. Chairman, I want to call attention to an item which was passed on page 26:

For amount required for contingent expenses, District of Columbia, for service of fiscal year 1898, \$955.78.

In my opinion, that is an appropriation which should not be made. It is to pay the recorder of deeds for recording instruments for the District of Columbia in the three years, I think, that preceded 1898, and I can not see that anything will be accomplished if you appropriate the money. It is included here because the Commissioners promised that they would send it to you. He has no expenses of 1898 to be paid, because his accounts for that year are all closed, and if you appropriate the money it could not be expended.

The facts in the case are these: The act of July 14, 1892, provided that the surplus fees received by the recorder of deeds in excess of the amount required to pay the salaries and other expenses of his office should be covered into the Treasury to the credit of the general

fund of the District of Columbia. Now, for every fiscal year from 1892 to 1897, inclusive, there was covered into the Treasury over \$5,000, and over \$700 for the years 1898 and 1899. The act of June 11, 1896, provided that no charge should thereafter be made by the recorder of deeds for furnishing notices of transfers to the District of Columbia. My opinion and the opinion of the Treasury Department is that the law contemplated that the District should not pay for anything else; but, as only transfers were named, the recorder named demanded fees for deeds as well. I refused to pay the recorder's bills for those deeds, on the ground that if on the 30th day of June he had a surplus, as according to precedent would be the case, and we paid his bill, it would be that much additional to be credited to District revenues, of which the United States would have paid one-half. Not believing this to be the intent of the law, I disallowed his claim. We have estimated for it according to promise made to the recorder, but do not believe the amount should be allowed.

The CHAIRMAN. Is there anything else you want to go out?

Mr. PETTY. That is the only item which I think should not be appropriated for.

The CHAIRMAN. The next item is the water department; authority is hereby given to pay the Merchants' Parcel Delivery Company in excess of contract rate for hauling extra-size water pipes, \$191.29.

Mr. PETTY. I consider that to be a just claim. The Merchants' Parcel Delivery Company had a contract with us to haul cast-iron water pipes at the rate of 76 cents a hundred, I think. In making that contract they understood that they would handle nothing larger than 12-inch pipe, which was to be delivered at the Baltimore and Ohio Railroad station. After they had made their contract at this rate, we found that we needed a lot of 36-inch pipe. It was delivered at the Georgetown wharf, and they had to take it off the boat and bring it ashore, finding it necessary to rig up extra contrivances for the purpose. To do this it cost them actually the amount that is given here in excess of their contract rates.

The CHAIRMAN. Under the letter of the contract they are bound, but under the spirit of it they are not?

Mr. PETTY. In law, yes; but in equity, not. That is the situation exactly.

The CHAIRMAN. You may say what you desire about the police relief fund.

Mr. PETTY. Well, I will say this: I would like very much to see that amount appropriated. It represents the difference between the pensions which were allotted to the widows and orphans and disabled members of the police and fire departments, and the amount that was actually received by them during the period from June 1, 1894, to May 31, 1896. Many of them incurred obligations in consequence of not getting the full amount to which they were entitled under the regulations or orders of the commissioners, and which up to the present day they have not been able to meet. I trust you may see your way clear to make the appropriation.

The CHAIRMAN. In other words, the amount that the Government cooperated with them and that they set aside did not pay?

Mr. PETTY. Yes; that is the situation.

The CHAIRMAN. This is a proposition to pay from the Treasury?

Mr. PETTY. Yes, sir; and it is a just claim, in my opinion.

The next item is for the redemption of tax sale certificates, which should be appropriated wholly from the District revenues.

The CHAIRMAN. Is it in that way?

Mr. PETTY. It does not say so. It was not submitted in that way.

The CHAIRMAN. You want to say that this is something that the District of Columbia should bear and the General Government should not pay any portion of it?

Mr. PETTY. Yes, sir. It is a District matter exclusively.

The CHAIRMAN. Is there anything else?

Mr. PETTY. No, sir.

The CHAIRMAN. We are very much obliged to you.

FRIDAY, *May 11, 1900.*

NAVY DEPARTMENT.

BUREAU OF EQUIPMENT.

STATEMENT OF MR. F. A. WILSON, CLERK, BUREAU OF EQUIPMENT, NAVY DEPARTMENT.

The CHAIRMAN. For purchase of coal, etc., and so on and so on, your appropriation for the current year was two and a quarter millions plus, and you already had a deficiency of \$350,000. Why should you not go over now and wait until the appropriations carried by the naval bill are available?

Mr. WILSON. The \$350,000 was estimated for upon the basis of \$700,000 of expenditures abroad, which the Bureau does not and can not control at all. That is a larger expenditure than we have ever had in any other year, and lately, only recently, it has come to the knowledge of the Bureau from the Auditor's accounts of the Treasury that the expenditures abroad are running at least \$800,000, possibly over, so that there will be an actual deficiency of that much money or more, but that much anyhow, and unless we get this amount we will be very much cramped without the money, because we are under law prevented from making any obligations beyond the appropriations we have in hand. The hundred thousand dollars is, as I stated, simply because we have discovered there is at least a hundred thousand dollars over what we have already estimated for as expenditures abroad.

The CHAIRMAN. And in addition to this, there was \$30,000 appropriated under the head of "Naval establishment," and it was for the use of the Bureau of Equipment as a matter of administration for improvements at Cavite. That is in addition to this?

Mr. WILSON. That was a special appropriation for a special object. This is for the general service for the Navy—purchase of coal and purchase of all other supplies, payment of labor, etc.

The CHAIRMAN. Now, suppose this appropriation is made, does it mean now to enter upon some special improvements that might just as well or almost as well be postponed until the regular appropriation is to become available on the 1st of July, something like unto that expenditure of \$30,000 at Cavite, or is this in fact to meet the expend-

itures that are made for ordinary supplies—coal and other supplies—on foreign stations or semi-foreign stations?

Mr. WILSON. The latter exclusively.

The CHAIRMAN. It is not then to better the equipment of any place like unto that at Cavite; it is not any specially permanent improvement?

Mr. WILSON. Not at all, sir; it is simply to meet this deficiency, as we see is apparent in the matter of expenditures under the general appropriation.

The CHAIRMAN. Well, under that general appropriation you might put in machinery and repairs, if not construct anew, could you not?

Mr. WILSON. Under the general appropriation?

The CHAIRMAN. For purchase of coal, etc.

Mr. WILSON. We could purchase anything that was provided for, of course, under that general head—under the general appropriation; but as I stated a while ago, as you asked the question, the \$100,000 we ask for is not for any special use or any special purpose outside of the general fund. It is not to meet anything that we have in view or in point especially.

The CHAIRMAN. It is like unto the items for coal or for items like unto that, which are necessary—

Mr. WILSON. Coal, labor at navy-yards and stations, etc.

The CHAIRMAN. Which are necessary for the maintenance of the Navy; that is, it is necessary for your daily and monthly housekeeping?

Mr. WILSON. Yes, sir; that is it.

The CHAIRMAN. And the real cause of this appropriation is the unforeseen and the unexpected expenditures away from the United States?

Mr. WILSON. Exactly, sir.

The CHAIRMAN. And it will require this full amount of \$100,000?

Mr. WILSON. Yes, sir.

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